UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/420,321	10/18/1999	LARRY A. WESTERMAN	KLR:7146.044	2633

47915 7590 12/29/2005	EXAMINER
CHERNOFF, VILHAUER, MCCLUNG & STENZEL, LLP	LUU, SY D
1600 ODS TOWER	

	ART UNIT	PAPER NUMBER
601 SW SECOND AVENUE	2174	
PORTLAND, OR 97204		

DATE MAILED: 12/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/420,321	WESTERMAN ET AL.
	Examiner	Art Unit	
	Sy D. Luu	2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>28 September 2005</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-21 and 28-33* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-21 and 28-33* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9/19/05</u>.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____ .

DETAILED ACTION

1.   This communication is responsive to the Amendments and the IDS filed 9/28/05 and

9/19/05.

2.   Claims 1-21, and 28-33 are pending in this application. Claims 1, 7, 12, 17, 22, 28, 34,

are independent claims.   Claims 22-27 and 34-41 were canceled, and claims 1, 7, 17, and 28

were amended. This action is made Final.

3.   The text of those sections of Title 35, U.S. Code not included in this action can be found

in a prior Office action.

Claim Rejections - 35 USC § 103

4.   Claims 1-21, and 28-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Sciammarella et al. ("Sciammarella", US # 6,320,599) in view of Kreegar (US # 5,396,590) and

Microsoft Publisher 98 Screendumps ("MS Publisher").

As per claims 1 and 5, Sciammarella teaches a computer implemented GUI on a personal

computer (fig. 1a), comprising a manipulator (col. 3, lines 10-11; *cursor 116*) for enabling

alteration of a scale of an object (col. 2, lines 15-23), by altering a dimension of a graphic

representation of an active region of a portion of data on said computer (*position indicating*

marks 124), the dimension being approximately equal to a limit (fig. 3; col. 3, lines 25-44; zoom-

in and zoom-out marks 122, 126).

Sciammarella does not specifically teach the manipulator to interact directly with the

graphic representation to enable alteration. Kreegar teaches direct manipulation of graphic

objects using shape control tools (fig. 3, col. 5, line 56 – col. 6, line 18). It would have been obvious to an artisan at the time of the invention to include Kreegar's direct manipulation of objects in order to allow a user to select and manipulate a graphic object in different ways without having to activate different modes for different manipulations.

The method of Sciammarella-Kreegar does not specifically teach the size of said graphic representation to be free from changing while said scale is altering. MS Publisher teaches a method for changing the dimension of a graphic representation of an active region wherein said graphic representation is free from changing while alteration of a scale of an object (figs. 1-4; *image 20 is enlarged while an object such as door 22 is also enlarged*). It would have been obvious to an artisan at the time of the invention to combine MS Publisher's method of changing the dimension of the active region while altering the scale of an object contained therein so that the ratio aspect of the whole image and objects contained therein are properly maintained. It follows further that the method of Sciammarella-Kreegar-MS Publisher would teach the GUI such that wherein at least one of the size and the position of said graphic representation is changeable to display a graphic representation of an active region of <u>another portion</u> of said data, where said at least one of the size and the position of the graphic representation changes while the scale is free from changing, wherein when said at least one of said size and position of said graphic representation is changed to reach said approximately equal to said limit then said graphic representation is said free from changing while said scale is said altering. It would have been clearly obvious to an artisan at the time of the invention that the same changes on the display as applied to the initial portion of said data above would have been applicable to any portion of said data depending on user's desired portion of manipulation, e.g. the active region

102 in fig. 1a of Sciammarella containing objects 106 and 108 could be shifted to another region which may contain different objects such as objects 104 or 110. The same effect of size/position of the graphic representation changes while the scale is free from changing would be equally applicable to the region 102.

As per claim 2, Sciammarella teaches that the scale of the object is minified when the dimension is approximately equal to a maximum (figs. 5a-5b; col. 3, line 65 – col. 4, line 11).

As per claim 3, Sciammarella teaches that the scale of the object is magnified when the dimension is approximately equal to a minimum (figs 4a-4b; col. 3, line 45-64).

As per claim 4, Sciammarella teaches the dimension of the graphic representation is a diagonal of a rectangle (fig. 3; *marks 124*).

As per claim 6, Sciammarella teaches a handheld electronic device (col. 2, lines 13-14).

Claims 7-9 are similar in scope to claims 1-3 respectively, and are therefore rejected under similar rationale.

As per claim 10, MS Publisher teaches enabling a user to move said active region relative to said information area by a second interaction of said manipulator and said graphic representation (figs. 5-6).

As per claim 11, Sciammarella discloses interaction via a mouse (col. 1, lines 19-21).

Claims 12 and 15-16 are similar in scope to claims 1-3, and are therefore rejected under similar rationale.

Claims 13-14 are similar in scope to claims 10-11 respectively, and are therefore rejected under similar rationale.

Claim 17 is similar in scope to claims 10, and is therefore rejected under similar rationale.

Claims 18-19 are similar in scope to claims 2-3, and are therefore rejected under similar rationale.

Claims 20-21 are similar in scope to claim 11, and are therefore rejected under similar rationale.

Claims 28-33 are similar in scope to claims 7-10 and 5-6 respectively, and are therefore rejected under similar rationale.

Response to Arguments

5.   Applicant's arguments filed 9/28/2005 have been fully considered but they are not persuasive.

Applicants argued that the prior art fail to disclose: at least one of the size and position of the graphic representation changes while the scale is free from changing, and where at least one of said size and position of said graphic representation is changed to reach said approximately equal to said limit then said graphic representation is said free from changing while the scale is altering. The Examiner disagrees for the reasons that are provided in the rejection section above.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

Inquires

Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Sy Luu whose telephone number is **(571) 272-4064**. The
examiner can normally be reached on Monday - Friday from 7:00 am to 3:30 pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Kristine Kincaid, can be reached on (571) 272-4063.

The fax number for the organization where this application or proceeding is assigned is
(703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding
should be directed to the receptionist whose telephone number is (703) 305-3900.

Information regarding the status of an application may be obtained from the Patent
Application Information Retrieval (PAIR) system. Status information for published applications
may be obtained from either Private PAIR or Public PAIR. Status information for unpublished
applications is available through Private PAIR only. For more information about the PAIR
system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private
PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SY D. LUU
PRIMARY EXAMINER